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HISTORY AND BIOGRAPHY.

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THE RANDOLPH MANUSCRIPT.

VIRGINIA SEVENTEENTH CENTURY RECORDS.

From the Original in the Collection of the Virginia Historical Society.

(CONTINUED)

A CHARTER OF THE RUSSIAN TRADE.

[A grant from the Czar Peter Alexe Jewitzz to Peregrine, Marquis of Carmarthen of the sole right to import tobacco into Russia.]

VIRGINIA TOBACCO IN RUSSIA.

[Printed in Virginia Magazine of History and Biography, IV, 55-63.]

COMMISSION TO THE EARL OF ORKNEY¹ FOR THE GOVERNMENT
OF VIRGINIA.

George R.

Our Will and Pleasure is that you prepare a Bill for our Royal Signature to pass our great Seal of Great Britain in the Words or to the Effect following.

George by the Grace of God of great Britain, France and Ireland King Defender of the Faith &c to our right Well beloved Cousin George Earl of Orkney, Greeting, We reposing Special Trust and confidence in the Prudence, Courage and Loyalty of you the said Earl of Orkney of our Special Grace Certain Knowledge and Meer Motion have thought fit to constitute and appoint. And by these Presents do constitute and Appoint you the said Earl of Orkney to be our Lieutenant and Governor Genll of our Colony and Dominion of Virginia in America with all the rights Members & Appurtenances whatsoever thereunto belonging, and we do hereby require & Command you to do and Execute all things in due Manner that shall belong unto your said Command & the Trust we have repos'd in you According to the Several Powers and Directions granted & Appointed you by the Present Commission, And the Instructions & Authority herewith given You Or by such further Powers Instructions & Authoritys as shall at any time hereafter be granted or appointed you under our Signet and Sign Manual or by our Order in our Privy Council and according to such reasonable Laws & Statutes as are now in force or hereafter Shall be made and agreed upon by you with the

¹George Hamilton (1666-1737), Earl of Orkney, was son of William, Duke of Hamilton, and was created Earl of Orkney, January 16, 1696. His title was secured, no doubt, in part by his worth and public services, but also, very probably, by his marriage with Elizabeth Villiers, former mistress of William of Orange. Orkney was a lieutenant-general in the English army, and saw much hard service, being distinguished in almost every great battle from the Boyne to Malplaquet. He was appointed Governor of Virginia, December 17, 1714, and held the position until his death on January 29, 1737. The actual governors in the colony were his deputies.

Advice & Consent of our Council and Assembly of our said Colony under Your Government in such form as is hereafter Express'd.

And Our Will and Pleasure is That you the said George Earl of Orkney (after the Publication of these our Letters Patents) do in the first Place take the Oaths appointed by Act of Parliament to be taken instead of the Oaths of Allegiance and Supremacy & the Oaths mention'd in an Act pass'd in the Sixth Year of her late Majesty's Reign Intitul'd an Act for the Security of her Majesty's Person & Government & of the Succession to the Crown of Great Britain in the Protestant Line, As also that you make and Subscribe the Declaration mention'd in an Act of Parliament made in the 25 Year of the Reign of King Charles the Second, Entituled an Act for Preventing Dangers which may happen from Popish Recusants And likewise that you take the usuall Oath for the due Execution of the Office and Trust of Our Lieuten't and Governor Generall of our said Colony & Dominion for the due and Impartial Administration of Justice, and further that you take the Oath required to be taken by Governors of Plantations to do their utmost that the Several Laws relaing to Trade and the Plantations be observ'd, which said Oaths & Declaration our Council in our said Colony or any three of the Members thereof have hereby full Power and Authority and are required to tender and Administer unto you, & in your Absence to our Lieut Governor if there be any upon the Place all which being duly perform'd you shall Administer unto each of the Members of our said Council as also to our Lieut Governor if there be any upon the Place the Oaths appointed by Law, to be taken instead of the Oaths of Allegiance & Supremacy, And the Oath mention'd in the said Act, Entituled an Act for the Security of her Majesty's Person & Governm't and of the Succession to the Crown of Great Britain in the Protestant Line, As also to Cause them to make and Subscribe the aforemention'd Declaration, And to Administer unto them the Oath for the due Execution of their Places & Trusts And we do hereby give and grant unto you full Power and Authority to suspend any of the Members of our said Council from Sitting,

Voting & Assisting therein if you shall find just Cause for so doing, And if it shall at any time happen that by the Death, Departure out of our said Colony, Suspension of any of our said Councillors, or otherwise there shall be a Vacancy in Our said Council any three whereof we do hereby appoint to be a Quorum. Our Will and Pleasure is, That you Signify the Same unto us by the first Opportunity, that we may under our Signet & Sign Manual Constitutẽ & Appoint Others in their Stead—But that our Affairs may not Suffer (for want of a due Number of Councillors) at that distance if ever it shall happen that there be less than Nine of them residing in our said Colony—We do hereby give & grant unto you the said George Earl of Orkney full Power and Authority to chuse as many Persons out of the principal freeholders Inhabitants thereof As will make up the full Number of our said Council to be Nine & no more, which Persons so chosen & appointed by you, shall be to all intents and Purposes Councillors in our said Colony untill either they shall be confirmed by us, or that by the Nomination of others by us under our Sign Manual & Signet, our said Council shall have Nine or more Persons in it, and we do hereby give and grant unto you full Power and Authority with the advice and consent of our said Council from time to time as need shall require to Summon & call General Assemblies of the said freeholders & Planters within Your Government according to the Usage of our Colony and Dominion of Virginia, Our Will and Pleasure is, That the Persons thereupon duly Elected by the Major Part of the Freeholders of the respective Countys and Places, and so return'd shall before their Sitting take the Oaths appointed by Act of Parliament to be taken instead of the Oaths of Allegiance and Supremacy, and the Oaths mention'd in the foresaid Act Entituled An Act for the Security of her Majesty's Person & Government and of the Succession to the Crown of Great Britain in the Protestant Line, As also make and Subscribe the foremention'd Declaration (Which Oaths & Declaration you shall Commissionate fit Persons under our Seal of Virginia to tender and Administer the same unto them, and untill the Same shall be so taken and Subscrib'd No Person shall be

capable of Sitting tho' Elected) And we do hereby declare that the Persons so Elected & Qualify'd Shall be call'd & Deem'd the General Assembly of that Our Colony & Dominion. And that you the said George Earl of Orkney with the Consent of our said Council & Assembly or the Major Part of them respectively shall have full Power & Authority to make, Constitute, and Ordain Laws, Statutes, and Ordinances for the Publick Peace Welfare & good Government of our said Colony, & of the People and Inhabitants thereof, and such others who shall resort thereunto, and for the benefit of us our Heirs & Successors—Which said Laws Statutes & Ordinances are not to be repugnant but as near as may be agreeable to the Laws and Statutes of this our Kingdom of Great Britain—Provided that all such Laws Statutes & Ordinances of what Nature or duration soever be within three Months or Sooner after the making thereof, transmitted unto us under our Seal of Virginia for our Approbation or disallowance of the Same, as also duplicates thereof by the next Conveyance. And in Case any or all of the said Laws Statutes & Ordinances not before confirm'd by us, shall at any time be disapprov'd & not allow'd, & so signify'd by Us our heirs and Successors, under our or their Sign Manual or Signet, or by Order of our or their Privy Council unto you the said George Earl of Orkney, or to the Commander in Chief of our said Colony for the time being then such and so many of the said Laws Statutes & Ordinances as shall be so disallow'd and disapprov'd, shall from thenceforth Cease determine and become utterly void, and of None Effect, anything to the Contrary thereof Notwithstanding.

And to the End that nothing may be pass'd or done by our said Council or Assembly to the Prejudice of us our Heirs & Successors, We will & Ordain that you the said George Earl of Orkney shall have & enjoy a Negative Voice in making & passing all Laws Statutes & Ordinances as aforesaid.

And you shall & may likewise from time to time as you shall Judge it Necessary Adjourn Prorogue & Dissolve all General Assemblys as aforesaid. Our farther Will & Pleasure is, That you shall and may keep and Use the Publick Seal of our

Colony of Virginia for Sealing all things whatsoever that pass the great Seal of our said Colony of Virginia. And we do further give & Grant unto you the said George Earl of Orkney from time to time and at any time hereafter by your self or by any other to be Authorized by you in that behalf to Administer & give the Oaths appointed by Act of Parliament to be taken instead of the Oaths of Allegiance & Supremacy to all and every such Person or Persons as you shall think fit, who shall at any time or times pass into our said Colony or shall be resident or abiding there. And we do by these presents give & and grant unto you the said George Earl of Orkney full Power & Authority with the Advice & Consent of our said Council to erect Constitute & Establish such & so many Courts of Judicature & Publick Justice within our said Colony & Dominion, as you & they shall think fitt & Necessary for the hearing & Determining of all Causes as well Criminal as Civil according to Law & Equity & for awarding of Execution thereupon with all reasonable & Necessary Powers & Authoritys, fees, & Privileges belonging thereunto. As also to Appoint & Commissionate fit Persons in the Several Parts of your Government to Administer the Oaths appointed by Act of Parliament to be taken instead of the Oaths of Allegiance & Supremacy & the Oaths mention'd in the foresaid Act Entituled An Act for the Security of her Majestys Person & Government, and of the Succession to the Crown of Great Britain in the Protestant Line. And also to tender & Administer the aforesaid Declaration unto Such Persons belonging to the said Courts as shall be oblig'd to take the Same. And we do hereby Authorize & impower you to Constitute and Appoint Judges. And in Cases requisite Commissioners of Oyer & Terminer Justices of the Peace & other Necessary Officers & Ministers in our said Colony for the better administration of Justice & putting the Laws in Execution And to Administer or Cause to be Administer'd unto them Such Oath or Oaths as are usually given for the due Execution & Performance of Officers & Places, and for the Clearing of truth in Judicial Cases. And we do hereby give & grant unto you full Power & Authority where you shall see Cause or shall

Judge any Offender or Offenders in Criminal Matters or for any fines or forfeitures due unto us, fit Objects of our Mercy to Pardon all such Offenders, and to remit all such Offences fines & forfeitures, Treason & Wilful Murder only Excepted, in which Cases you shall likewise have Power upon Extraordinary Occasions to grant Reprieves to the Offenders untill & to the Intent our Royal Pleasure may be known therein. And we do by these Presents Authorize & Impower you to Collate any Person or Persons to any Churches, Chappels, or any other Ecclesiastical Benefices within Our said Colony as often as any of them shall happen to be void, And we do hereby give & grant unto you the said George Earl of Orkney by Your Self or by your Captains & Commanders by you to be Authorized full Power & Authority to Levy, Arm, Muster, Command & Employ all Persons whatsoever residing within our said Colony & Dominion of Virginia, And as Occasion shall Serve to march from one Place to another, and to Embark them for the resisting & with standing of all Enemys, Pirates, & Rebels both at Sea & Land, And to Transport such Forces to any of our Plantations in America if Necessity shall require for the Defense of the same against the Invasion or Attempt of any of our Enemies, And such Enemies Pirates & Rebels (if there shall be Occasion) to Pursue & Prosecute in or out of the Limits Of our said Colony & Plantations or any of them. And if it shall Please God them to Vanquish Apprehend & take, & being taken according to Law to put to Death, or keep & preserve alive at your Discretion. And to Execute Martial Law in time of Invasion, Insurrection, or War. And to do & Execute all & every other thing & things, which to our Lieutenant & Governor General doth or ought of right to belong. And we do hereby give & grant unto you full Power & Authority by & with the Consent & Advice of our said Council of Virginia to erect raise & build in our said Colony & Dominion Such & so many Forts & Platforms, Castles, Cities, Burroughs, Towns & Fortifications as you by the Advice aforesaid shall Judge Necessary, And the same or any of them to Fortifie & furnish with Ordnance, Ammunition & all Sorts of Arms, fit & Necessary for the Security & Defence of our said Colony.

And by the Advice aforesaid the same again or any of them to demolish or dismantle as may be most Convenient.

And forasmuch as divers Mutinies & disorders may happen by Persons Ship't & employ'd at Sea during the time of War. And to the End that Such as are Shipped & Employ'd at Sea during the time of War, may be better Govern'd & Order'd, we do hereby give & grant unto you the said George Earl of Orkney full Power & Authority, to Constitute and appoint Captains, Lieutenants, Masters of Ships and other Commanders and Officers. And to grant to such Captains, Lieut's, Masters of Ships and other Commanders & Officers, Commissions to Execute the Law Martial during the time of War. And to the Use such Proceedings, Authorities, Punishments, Corrections & Executions upon any Offender or Offenders, who shall be Mutinous, Seditious, disorderly, or unruly either at Sea, or during the time of their abode or residence in any of the Ports, Harbors, or Bays of our said Colony and Dominion as the Cause shall be found to require according to Martial Law during the time of War as aforesaid Provided that nothing herein contained shall be Construed to the Enabling you or any by Your Authority to hold Plea or have any Jurisdiction of any Offence, Cause, Matter, or thing Committed or done upon the high Seas or within any of the Havens, Rivers or Creeks of our said Colony and Dominion under your Government by any Captain, Commander, Lieut, Master, Officer, Seaman, Soldier or Person whatsoever, who shall be in Actual Service and Pay in or on board any of our Ships of War or other Vessels Acting by immediate Commission or Warrant from our Commissioners for Executing the Office of our high Admiral, or from Our high Admiral of Great Britain for the time being under the Seal of our Admiralty But that such Captain, Commander, Lieut, Master, Officer, Seaman, Soldier, or other Person so Offending shall be left to be proceeded against & try'd as their Offences shall require, either by Commission under our great Seal of Great Britain as the Statute of the 28th of Henry the 8th directs, or by Commission from our said Commissioners for Executing the Office of our high Admiral, or from our high Admiral of Great Britain for the time

being, According to the Act of Parliament passed in the 13th Year of the Reign of King Charles the Second Entituled an Act for the Establishing Articles & Orders for the Regulating & better Government of his Majesty's Navys, Ships of War & forces by Sea and not otherwise. Provided Nevertheless that all Misdemeanors & disorders committed on Shore by any Capt., Commander, Lieut, Master, Officer, Seaman, Soldier or other Person whatsoever, belonging to our Ships of War or other Vessels Acting by immediate Commission or Warrant from our Commissioners for Executing the Office of high Admirall, or from our high Admiral of Great Britain for the time being, under our Seal of our Admiralty, may be try'd and Punished according to the Law of the Place where any such Disorders, Offences or Misdemeanors shall be committed on Shore Notwithstanding such Offender be in our Actual Service and Born in our Pay, on board any such our Ships of War, or other Vessels Acting by immediate Commission or Warrant from our Commissioners for Executing the Office of high Admiral, or from our high Admiral of great Britain for the time being as aforesaid, So as he shall not receive any Protection for the avoiding of Justice for such Offences Committed on Shore, from any Pretence of his being employ'd in our Service at Sea, And our further Will and Pleasure is, That all Publick Moneys rais'd or which shall be rais'd by any Act hereafter to be made within our said Colony be issued out by Warrant from You by and with the Advice and Consent of the Council and disposed of by you for the Support of the Government, And not otherwise And we do likewise give & grant unto you full Power and Authority, by and with the Advice & consent of our said Council to Settle and Agree with the Inhabitants of our Colony & Dominion aforesaid for such Lands Tenements & Hereditaments as now are, or hereafter shall be in our Power to dispose of And them to grant to any such Person or Persons, & upon such terms, & under such Moderate Quitrents, Services & Acknowledgments to be there-upon reserv'd unto us, as you by & with the Advice aforesaid shall think fit, which said Grants are to pass and be Seal'd with our Seal of Virginia, And being entered on Record by

such Officer or Officers as shall be Appointed thereunto, shall be good & Effectual in Law against us our heirs & Successors And we do hereby Give unto you the said George Earl of Orkney full Power to Order & appoint Fairs, Marts, & Markets, as also such & so many Ports, harbors, Bays, Havens, & other Places for Conveniency & Security of Shipping, and for the better loading & unloading of Goods & Merchandize, as you with the Advice & Consent of the said Council shall think fit & Necessary.

(TO BE CONTINUED.)

VIRGINIA IN 1676 AND 1665-1666.

(Abstracts by W. N. SAINSBURY, and copies in the McDonald and De Jarnette Papers, Virginia State Library.)

(CONTINUED)

CIRCULAR LETTER AND ENQUIRIES¹ TO GOVERNOR BERKELEY, 1676.

(Copy.)

After our very hearty commendations unto you, His Ma'ty having in his wisdom thought fit to supersede the Commission by which his Council of Trade & Foreign Plantations lately acted & thereby restoring all the business of that nature to its accustomed Channel of a Committee of this Privy Council.

¹A similar series of questions, though not so comprehensive, was sent to Berkeley in 1670 and answered by him in 1671. They are printed in *Hening*, II, 511-517. It is probable that the troubles of the "Rebellion" prevented any reply.